

JOHN J. JORDAN, ESQ. (State Bar No. 175678)
400 Montgomery Street, Suite 200
San Francisco, CA 94104
Tel: (415) 391-4814
Fax: (415) 391-4308

Counsel for Defendant
XIN SHAO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 11-0150 CW
)	
Plaintiff,)	STIPULATION AND PROPOSED
vs.)	ORDER CONTINUING STATUS
)	HEARING
XIN SHAO,)	
)	
Defendant.)	
)	
)	
)	

The United States, by Assistant U.S. Attorney Michelle J. Kane, and the defendant, XIN SHAO, through John J. Jordan, counsel of record, hereby move this Court to continue the date of defendant's status hearing from June 1, 2011, until June 15, 2011, at 2:00 p.m., to allow time for the parties to complete the discovery process; to allow the defendant to review discovery received from the government; and to allow the parties to continue settlement discussions.

1. The defendant is charged by indictment with smuggling goods into the United States, in violation of 18 U.S.C. section 545 (counts one through eight); trafficking in counterfeit goods, in violation of 18 U.S.C. section 2320(a)(counts nine through thirteen); and two forfeiture counts.

2. The United States has provided the defendant with discovery, which includes several compact discs reports and other materials relevant to this case. Counsel for the defendants need additional time to review these materials with his client. In addition, counsel for both parties are engaged in discussions regarding the loss amounts, which are highly relevant to

1 sentencing guideline calculations. The parties have conferred regarding the status of the case and
2 agree that the defendant and counsel should have an opportunity to review the discovery already
3 provided, in order to allow for effective assistance of counsel.

4 Finally, the parties are engaged in settlement discussions, which may potentially resolve
5 all or part of the matter before the Court. The defendant expect to receive a plea agreement
6 within the next two weeks, which the attorney will then review with the client.

7 3. The case is now set for an appearance before this Court on June 1, 2011.
8 However, the parties believe that defense counsel will require an additional 14 days to review the
9 discovery provided by the government before determining whether pre-trial motions should be
10 filed, or instead resolve the case by entering into a plea agreement.

11 4. The parties accordingly ask the Court to continue the matter until June 15, 2011,
12 to allow counsel for the defendants time to review the discovery. If the case is not resolved by
13 that date, the defendant expects to ask the Court to set a motion schedule on that date.

14 5. All parties stipulate and agree that the ends of justice served by granting a
15 continuance to facilitate review of discovery outweigh the interest of the public and the
16 defendants in a speedy trial, to allow continuity of counsel and effective preparation of counsel,
17 taking into account the need for due diligence, in accordance with Title 18, sect. 3161(h)(8)(A).

18 6. Accordingly, the parties ask the Court to continue the matter until June 15, 2011,
19 2008, and order that time be excluded under the Speedy Trial Act until that date.

20
21 So Stipulated:

/S/ Michelle J. Kane
MICHELLE J. KANE
Assistant U.S. Attorney

23
24 /S/ John J. Jordan
JOHN J. JORDAN
Counsel for Defendant
25 Xin Shao
26

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 11-0150 CW
)	
Plaintiff,)	(Proposed) ORDER CONTINUING
vs.)	STATUS HEARING
)	
XIN SHAO,)	
)	
Defendant.)	
)	
)	
)	

GOOD CAUSE APPEARING, it is ordered that:

1. The date for defendant's status hearing shall be continued from June 1, 2011, June 22, 2011 until June 15, 2011, at 2:00 p.m., to allow sufficient time for the defendant to review discovery provided by the United States in this case, and to continue settlement discussions.

2. The ends of justice served by the granting of this continuance outweigh the interest of the public and the defendants in a speedy trial, in accordance with Title 18, sect. 3161(h)(8)(A).

3. IT IS THEREFORE ORDERED that the period of this continuance from June 1, 2011, until June 15, 2011, shall be excluded under the Speedy Trial Act for the purposes of computing the time within which this Indictment must be tried to allow for the effective preparation of counsel for the reasons set forth in the parties' joint request.

SO ORDERED.

May 31, 2011
DATED: June __, 2011



CLAUDIA WILKEN
United States District Judge The United States, by